HONOURABLE SRI JUSTICE D.APPARAO

On Tuesday, the thirtieth day of May,

two thousand and six .

W.P.No.10735 of 2006

M/s Sri Vishnu Enterprises, represented by K.V.Subash Kumar and others.

…….Petitioners.

And:

The District Collector Kadapa and others.

……..Respondents.

HONOURABLE SRI JUSTICE D.APPARAO

W.P.No.10735 of 2006

O R D E R:

The petitioners are owners of industries and were extended power supply. Through proceedings dated 3.4.2006 the 5th respondent disconnected the power

supply to the plants of petitioners during the 2nd and 3rd week of May, 2006. The petitioners state that when they approached respondents, they were informed that the connections were disconnected basing on the orders dated 3.4.2006, issued by the 5th respondent, Superintending Engineer, Operation Circle, Kadapa. The petitioners are challenging the same.

2. Heard the learned counsel for the petitioners and learned standing counsel for the 5th respondent.

3. A perusal of the memo dated 3.4.2006 discloses that the 5th respondent directed his subordinate staff to disconnect the power supply to such of those industries, which are not having BIS Certification (ISI mark) for manufacture/sale of packaged drinking water. The petitioners contend that they are not undertaking the activity of manufacture and sale of packaged drinking water. Even assuming, without admitting the said fact, if the power supply of the petitioners is liable to be disconnected for any reason, it is the basic obligation of the 5th respondent to serve a show cause notice and take further steps only after receiving the explanation. Such course was not adopted in this case.

4. The learned counsel for the petitioners submits that earlier, this Court in W.P.No.10410 of 2006 by order dated 25.05.2006 directed the third respondent therein to restore power supply and to serve a show cause notice and take further steps only after receiving the explanation. I do not see any difficulty in adopting the very same procedure.

5. On this short ground, the impugned order is set aside. The 5th respondent is directed to restore the power supply to the petitioners forthwith. It is however made clear that it is open to the 5th respondent to issue show cause notice to the petitioners and take further action in accordance with law.

The writ petition is accordingly disposed of. No costs.

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JUSTICE D. APPARAO

30th May 2006

BCS